REMARKS

I. Introduction

In the Office Action dated December 1, 2005, claims 1-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 5,206,901 ("Harlow") in view of U.S. Pat. No. 6,041,114 ("Chestnut") and U.S. Pat. No. 5,953,401 ("Caveney"). Applicants respectfully request reconsideration and withdrawal of the rejections in light of the following remarks.

II. The Proposed Combination Does Not Render the Independent Claims Unpatentable

Each of the independent claims is directed to providing a family telecommunications service that facilitates access to a family residence and locations of family members other than the family residence. Claims 1, 5, and 9 all recite ***providing a menu to caller, the menu providing a plurality of destination options including a first destination option for a residence of a family, a second destination option for a first member of the family at a location other than the family residence, and a third destination option for a second member of the family at a second location other than the family residence***. Harlow, Chestnut, and Caveney all fail to disclose at least this limitation.

As admitted by the Examiner, Harlow and Caveney do not teach providing a menu to a caller. The only reference cited by the Examiner that provides a menu to a caller is Chestnut. Chestnut is directed to a method and device for managing a telecommunication system. In the relevant portion of Chestnut cited by the Examiner, a caller is provided with a routing menu. However, the menu does not provide ***a plurality of destination options including a first destination option for a residence of a family, a second destination option for a first member of the family at a location other than the family residence, and a third destination option for a second***

member of the family at a second location other than the family residence as recited in each of the independent claims.

Due to the fact Harlow, Chestnut, and Caveney all fail to disclose at least providing a menu to caller, the menu providing a plurality of destination options including a first destination option for a residence of a family, a second destination option for a first member of the family at a location other than the family residence, and third destination option for a second member of the family at a second location other than the family residence as recited in the independent claims, any combination of Harlow, Chestnut and Caveney necessarily cannot render the independent claims, or any claims that depend on the independent claims, unpatentable. Applicants respectfully request the withdrawal of the rejection to claims 1-17 under 35 U.S.C. § 103(a).

III. It is Improper to Combine Chestnut and Caveney

It is improper to combine references where the references teach away from their combination. *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983); MPEP §§ 2141.02 and 2145. Caveney is directed to a call processor for use with a telephone switching system which allows an incoming caller to complete the call to an internal destination ***without operator assistance and without receiving a generated voice message***. (Abstract). The relevant portion of Chestnut cited by the Examiner discloses providing a routing menu to a caller, which is the very action that Caveney is attempting to avoid. Applicants respectfully submit that due to the fact Caveney teaches away from a user receiving a generated voice message such as a menu, and the relevant portion of Chestnut cited by the Examiner discloses a user receiving a generated voice message such as a menu, it is improper to combine Chestnut and Caveney.

IV. The Current Rejection to the Claims Should be Withdrawn for the Same Reasons the Examiner Withdrew the Rejection to the Claims from the Office Action Dated July 1, 2005

In the Office Action dated July 1, 2005, the Examiner rejected claims 1-17 under 35 U.S.C. § 103(a) as being unpatentable over the proposed combination of Harlow, U.S. Pat. No. 5,978,451 ("Swan"), and Caveney. Swan was cited in the previous Office Action for the exact same proposition that Chestnut is cited in the current Office Action. Specifically, in the previous Office Action, the Examiner stated, "Swan et al. teach providing a menu to a caller (col. 8, lines 19-21 – present a *routing option or options menu to caller*), receiving a selection from the caller (col. 8, lines 23-24)," where in the current Office Action, the Examiner stated, "Chestnut teaches providing a menu to a caller (col. 7, lines 4-14), receiving a selection from the caller (col. 7, lines 14-20)." (*See* Office Action dated July 1, 2005, page 3; Office Action dated December 1, 2005, page 3.)

In the response to the Office Action dated July 1, 2005, Applicants argued that Swan did not disclose a menu providing ***a plurality of destination options including a first destination option for a residence of a family, a second destination option for a first member of the family at a location other than the family residence, and a third destination option for a second member of the family at a second location other than the family residence*** as recited in each of the independent claims. Further, Applicants argued it was improper to combine Swan with Caveney due to the fact Swan and Caveney teach away from their combination.

The Examiner did not state his reasons for withdrawing the rejection to the claims from the Office Action dated July 1, 2005, but by withdrawing the rejection, the Examiner implicitly suggested agreement with the arguments of the Applicants. Swan discloses presenting a routing or call treatment options menu to a caller. Similarly, Chestnut discloses presenting a menu to a caller listing locations to which the call can be forwarded. By withdrawing the rejection to the claims from the Office Action dated July 1, 2005, the Examiner implicitly suggested presenting a menu to a caller is not presenting a menu providing ***a plurality of destination options including a first***

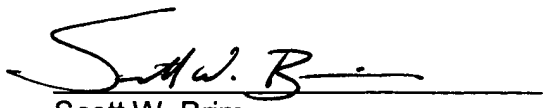
destination option for a residence of a family, a second destination option for a first member of the family at a location other than the family residence, and a third destination option for a second member of the family at a second location other than the family residence as recited in each of the independent claims or that it is improper to combine a reference providing a menu to a caller with Caveney due to the fact Caveney teaches away from a user receiving a generated voice message such as a menu.

Just as the proposed combination of Harlow, Swan, and Caveney does not render the currently-claimed invention unpatentable as conceded by the Examiner, the proposed combination of Harlow, Chestnut, and Caveney does not render the currently-claimed invention unpatentable.

V. CONCLUSION

In view of the foregoing remarks, Applicants submit that the pending claims are in condition for allowance. Reconsideration is therefore respectfully requested. If there are any questions concerning this Response, the Examiner is asked to phone the undersigned attorney at (312) 321-4200.

Respectfully submitted,



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